

14984. Adulteration and misbranding of cottonseed cake. U. S. v. 400 Sacks of Cottonseed Cake. Decree entered, ordering product released under bond to be relabeled. (F. & D. No. 21451. I. S. No. 15104-x. S. No. W-1887.)

On December 11, 1926, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 400 sacks of cottonseed cake, at Colmor, N. Mex., alleging that the article had been shipped by the Brownwood Cotton Oil Mills, Brownwood, Tex., November 28, 1926, and transported from the State of Texas into the State of New Mexico, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "43 Per Cent Protein Cottonseed Cake, Prime Quality, Manufactured by Brownwood Cotton Oil Mills, Brownwood, Texas, Guaranteed Analysis, Protein not less than 43 per cent."

It was alleged in substance in the libel that the said sacks were misbranded and the contents thereof adulterated, in that the statements on the labels, regarding the chemical contents of the article, were false and misleading and were intended and calculated to deceive and did deceive the purchaser, in that a product containing less than 43 per cent of protein had been substituted for 43 per cent protein cottonseed cake, which the said article purported to be.

On January 17, 1927, Roscoe Spriggs, Colmor, N. Mex., having appeared as claimant for the property, and the court having found that the material allegations of the libel were true, a decree was entered, ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, conditioned in part that it be relabeled to show the true protein content.

W. M. JARDINE, *Secretary of Agriculture.*

14985. Adulteration and misbranding of coffee. U. S. v. 10 Cans, 27 Pounds Each, of Coffee. Default decree of forfeiture and sale entered. (F. & D. No. 21837. I. S. No. 11746-x. S. No. C-5247.)

On or about October 30, 1926, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 cans, each containing 27 pounds, of coffee, remaining in the original unbroken packages at Atlanta, Tex., alleging that the article had been shipped by the R. J. Newson Mfg. Co., Inc., Shreveport, La., on or about August 23, 1926, and transported from the State of Louisiana into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "From R. J. Newson Mfg. Co. Inc. Shreveport, La.," and was invoiced "Santos Peaberry Blend."

Adulteration of the article was alleged in the libel for the reason that substances, chicory and cereal, had been mixed and packed with the article so as to reduce, lower, or injuriously affect its quality and strength, and in that chicory and cereal had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 14, 1927, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be relabeled "Coffee, Chicory and Cereal," and sold by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14986. Adulteration and misbranding of butter. U. S. v. 11 Cartons and 6 Cartons of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21529. I. S. Nos. 3482-x, 3483-x. S. No. C-5295.)

On December 8, 1926, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condem-

nation of seventeen 30-pound cartons of butter, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Northern Produce Co., from Fargo, N. Dak., in part November 19, 1926, and in part November 24, 1926, and transported from the State of North Dakota into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libels for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, and in that it was food in package form and the quantity of the contents was not declared.

On January 17, 1927, the Northern Produce Co., St. Paul, Minn., claimant, having consented to the condemnation and forfeiture of the property, and the court having found that the allegations of the libel were true, decrees were entered, ordering that the product be released to the claimant upon payment of the costs of the proceedings and the execution of bonds, totaling \$225, conditioned in part that it be reworked under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

14987. Adulteration of canned tomato pulp. U. S. v. 1,020 Cans of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21515. I. S. No. 14098-x. S. No. C-5293.)

On or about January 6, 1927, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1,020 cans of tomato pulp, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Marysville Packing Co., from Marysville, Ind., November 22, 1926, and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in substance in the libel that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On March 16, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14988. Adulteration and misbranding of canned oysters. U. S. v. 100 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21626. I. S. No. 12888-x. S. No. W-2091.)

On February 9, 1927, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 100 cases of oysters, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Sea Food Co., from New Orleans, La., December 29, 1926, and transported from the State of Louisiana into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Cottage Brand Oysters Contents 10 Oz."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive brine, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Contents 10 Oz. Exclusive Of Liquid," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 18, 1927, the Matchett-Macklem Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum